

LEGAL, ADMINISTRATIVE, ECONOMIC STRUCTURE DIRECTING URBAN TRANSFORMATION IN TURKEY AND THE EVALUATION OF EXAMPLES FROM TURKEY WITHIN THE LAW

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DOI: <https://doi.org/10.5281/zenodo.7759749>

Published Date: 22-March-2023

Abstract: Urban transformation, which we have seen many application examples over time, emerged as demolition and rebuilding in order to overcome the social, economic and spatial destructions caused by the problems that emerged with the development of industry in western countries and to serve five basic purposes.

The concept of "sustainability", which is at the base of the sustainability dimension of the urban transformation being discussed, first came to the fore in Dennis Pirages' book "Sustainable Society" in 1977. The concept started to gain importance in the environmental movement after the publication of the report of the World Commission on Environment and Development (Brundtland Commission) titled "Our Common Future" published in 1987, and became a universally adopted principle with the Environment and Development Conference held in Rio in 1992

The case study is Fikirtepe Urban Transformation Project. In this project it is analyzed that the sustainability of the project. And case studies were analyzed in this article.

Keywords: Urban transformation, western countries, social, economic.

1. URBAN TRANSFORMATION

Roberts (2000) states that the urban transformation, which we have seen many application examples over time, emerged as demolition and rebuilding in order to overcome the social, economic and spatial destructions caused by the problems that emerged with the development of industry in western countries and to serve five basic purposes. states that it should be designed to In urban transformation projects, the causes of the underlying social deterioration should be investigated and suggestions should be made to prevent this deterioration. In addition to physical and social deterioration, one of the most important reasons why urban areas have become areas of depression is the loss of their economic vitality. Urban transformation projects should develop strategies to revitalize the economy in parts of the city that have become areas of physical and social depression, and thus aim to increase urban welfare and quality of life. Urban transformation projects should be planned according to the new physical, social, economic, environmental and infrastructure needs emerging in the rapidly growing, changing and deteriorating texture of the city.

Urban transformation projects should reveal an economic development approach that increases urban welfare and quality of life. Strategies for the effective use of urban areas and avoiding unnecessary urban sprawl should be put forward in urban transformation projects (Roberts, 2000). After the Second World War, which was experienced for the sake of international peace, prosperity and a better future, advanced capitalist countries faced many problems. Harvey (2010), post-war policy; It focuses on the creation of full employment, decent housing, social services, prosperity and the opportunity to create a better future. He states that although conditions and tactics vary according to each country, the general tendency is to see the mass production and planning experience of the war period as a means to launch a giant rebuilding and reconstruction program (Harvey, 2010). By the 1970s, urban transformation projects emerged as initiatives based on the physical transformation of abandoned and collapsed areas of cities, which are seen as "urban renewal" and "urban improvement" carried out in many British and American cities.

However, when it was understood that physical renewal did not bring a permanent solution to the problems encountered in the collapsed areas of cities, economic targets such as employment creation and vocational training began to be evaluated within the scope of urban improvement. In the light of this, in the neo-liberal restructuring process in the 1980s, new functions were introduced to urban transformation, and the revitalization of cities and urban centers became its main function as a result of its association with the urban economy. However, towards the end of the 1980s, these projects were subjected to criticism that only the investor won, the people living in the vicinity could not benefit, and they did not contribute to the protection of the environment by causing excess supply due to the surplus built environment production. As a result of this, in the 1990s, the principle of sustainability started to take place in the improvement and reorganization projects of urban areas (Balaban, 2013).

2. SUSTAINABILITY

The concept of "sustainability", which is at the base of the sustainability dimension of the urban transformation being discussed, first came to the fore in Dennis Pirages' book "Sustainable Society" in 1977. The concept started to gain importance in the environmental movement after the publication of the report of the World Commission on Environment and Development (Bruntland Commission) titled "Our Common Future" published in 1987, and became a universally adopted principle with the Environment and Development Conference held in Rio in 1992 (Tekeli, 2001). According to Tekeli, two assumptions should be made before applying the concept of sustainability: The first is the possibility of a sustainable society, that is, a co-evolutionary development, and the second is that there can be different types of societies that realize sustainability and that sustainability can be achieved in all types of societies by following different paths. Tekeli (2001) also states that the realization of sustainability in practice depends on establishing the correct relationship between the society, which is the socio-economic system formed by humans, which constitute the two subsystems of the ecological system, and the ecological system, the environment consisting of non-human living things and non-living things.

It draws attention to the fact that the effects of population, welfare level, technology and consumption patterns, which are generally explained by four variables from the society subsystem to the environmental subsystem, should remain at a certain level. If the effects from the society on an environmental subsystem are high and these effects exceed the degradability limit of the environment, the environmental subsystem will begin to deteriorate and the sustainability of the ecosystem will be endangered (Tekeli, 2001). Based on the above-mentioned economic, political and social developments, we can say that the concept of sustainability began to be influential in urban transformation policies and projects in the 1990s. In this period, the idea that the improvement and reorganization of existing urban areas will provide significant environmental benefits gains importance and the concept of "sustainable urban transformation" emerges. Accordingly, the main objectives of sustainable development, economic development, social justice and environmental protection should be considered together. With the intensification of the negative effects of global warming and climate change, many countries have started to turn to "climate-friendly" and "low-carbon" urban development models, and to address and regulate their urban transformation policies and projects in this direction (Balaban, 2013). In the urban structuring process, when each building is renovated or reconstructed, materials and energy are needed, and while this need is met, there is an absolute loss in terms of what is obtained from the environment and what is released to the environment (Zimmerman, 2003). From this point of view, guidelines and standards are prepared for sustainable architecture that minimizes the negative effects of buildings on the environment. In these documents, there are efforts to ensure standardization in topics such as the building's area, form, design, area covered, materials used, lighting and ventilation.

When the urban transformation is examined in terms of political economy in our country, it appears with an urban planning approach that moves from national development to the goal of global integration (Gürler, 2003). We have to deal with the urban transformation in Turkey in three periods: 1950-1980, when the migration from the village to the city began as a result of mechanization and squatting in the city, 1980-2000 when the effect of globalization was seen, and 2000 and post period. The state, which allocated its resources to industrialization in order to support import substitution before 1980, changed its policy after 1980, which we can count as a breaking point, and started to allocate resources for built environment production, as a result, public infrastructure and construction investments began to increase in the second half of the 1980s. Mass Housing Administration (TOKİ), which was established in this period, has become an effective actor in the production of urban built environment today. In this period, urban transformation was introduced as a means of promoting economic growth. With the zoning amnesties issued, the transformation from slums to apartments has accelerated, especially in the illegally developed areas of large cities, and it has been aimed to systematically initiate physical renewal processes in the cities. In terms of content, this approach reflects the dominant understanding of the "urban renewal" or "urban improvement" projects that developed countries implemented in the 1970s and abandoned since the early 1980s. In the next period up to the present, the process has been similar, and the state has enacted many legal and administrative regulations to encourage the growth in the construction sector (Balaban, 2013). When we examine the urban transformation in Turkey in terms of sustainability, it is seen that nature and the environment are ignored during the efforts to improve economic opportunities.

Hammarby – Sweden Hammarby Sjöstad is located in Stockholm, the capital of Sweden and the largest city in Scandinavia. The first constructions were completed in 2000, after the plans were made for Hammarby Sjöstad to be built in the former industrial area where the wharves and ports are located. By 2018, it was planned to have 11,000 apartments, 25,000 people and 10,000 workplaces. As seen in the Hammarby Master Plan, a holistic planning approach developed with a holistic approach was followed in the project.

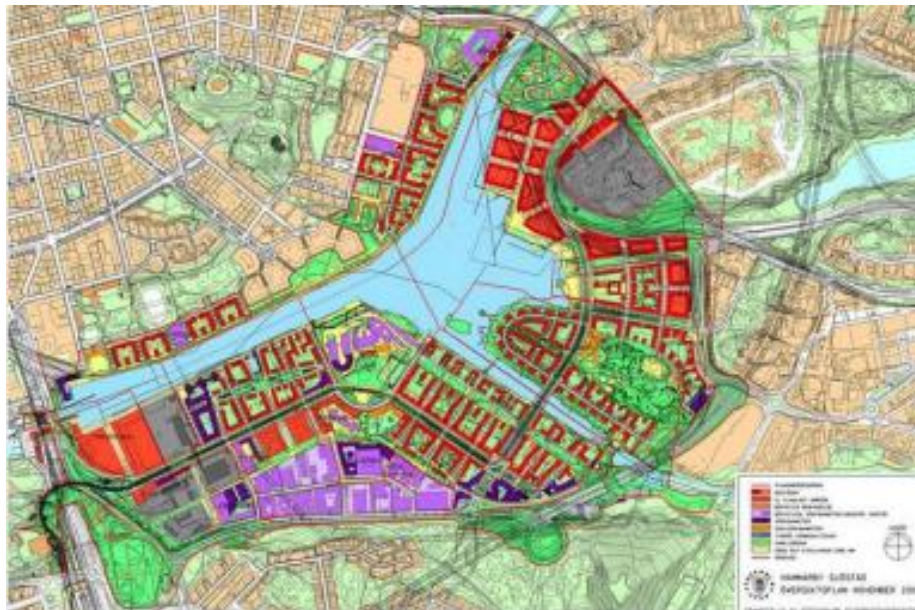


Figure 1. Hammarby Master Plan (Fränne, 2007).

Sweden hosted the first UN conference on the environment, held in Stockholm in 1972, demonstrating the rapid depletion of natural resources in the 1960s. Since 1990, Sweden has abandoned fossil energy sources and gradually switched to renewable energy sources, and has shaped its settlement projects by considering the concept of "sustainability". Stockholm has been selected as the "Ecological Capital of the Year 2010" by the European Union Commission. Suzuki et al. According to (2010), an old industrial area (Hammarby Sjöstad) within the city of Stockholm, the capital of Sweden, is being renewed with urban transformation projects in order to transform it into an ecologically sustainable and climate-friendly environment. With these projects, it is aimed to transform the idle areas in the city into mixed-use areas with high energy and resource use efficiency, well integrated with public transportation and non-motorized transportation types. According to the first results obtained from this partially completed project, the use of non-renewable energy, water consumption and

contribution to global warming in the project area were reduced by 28%, 41% and 29%, respectively (Balaban, 2013). in Sweden; Heating is very important as temperatures are below freezing in many parts of the country from December to March. For this reason, waste incineration technology and district central heating system have gained importance. The steam and hot water produced in the city facility in the district center are given to the buildings in the region through underground pipes. District central heating is much more effective than heating the houses one by one, and carbon dioxide emissions are less with this method. Established on one side of the canal connecting Lake Mälaren with the Baltic Sea, this area has a full Mediterranean atmosphere with houses with large windows, large balconies and terraces.



Figure 2. Hammarby structures (Fränne, 2007).

In front of the houses, there are cylindrical metal boxes that replace trash cans. In addition to their aesthetic appearance, the cylindrical boxes with different colored lids, seen in Figure 3, ensure the separation of garbage from the first stage and are emptied into the underground pipe system twice a day by air pressure system (Gurler, 2003).



Figure 3. Trash bins used in Hammarby (Fränne, 2007).

With environmentally friendly investments such as Hammarby Sjöstad, Stockholm's greenhouse gas emissions have been reduced to half of the national average. The project has been planned according to a completely ecological and sustainable approach, as it uses the land efficiently, reduces the impact of climate change with low carbon dioxide emissions, and takes measures to ensure environmental sustainability.

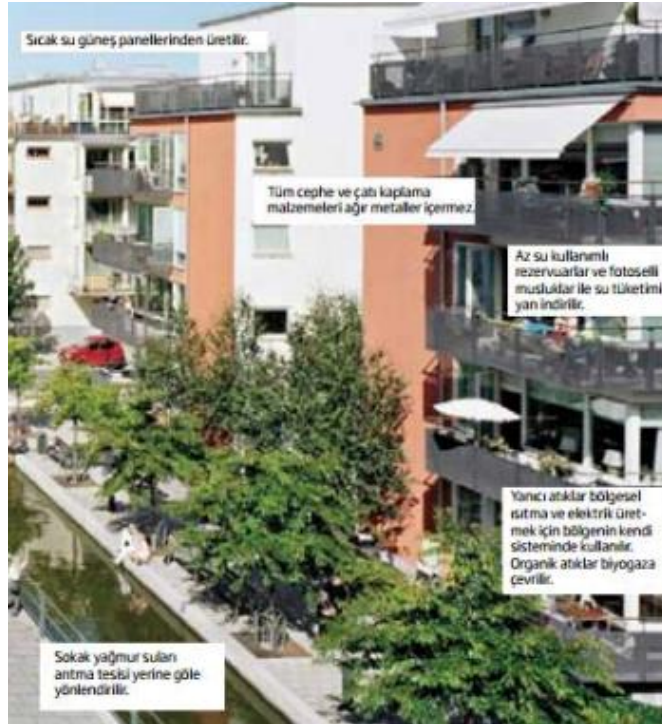


Figure 4. Examples of energy efficient applications in Hammarby (Fränne, 2007).

Otomatik yer altı atık toplama sistemi, yüzey akış sularının filtrelenmesi ve toplanması, verimli bina uygulaması, bölgesel merkezi ısıtma ve soğutma sistemleri, güneş enerjisi kullanımı, biyogaz elde edilmesi gibi çalışmalar Hammarby'deki uygulama örnekleri olarak gösterilebilir.



Figure 5. Some of the application examples in Hammarby (Fränne, 2007).

3. FİKİRTEPE URBAN TRANSFORMATION PROJECT

Fikirtepe is an area that contains finds from the Late Neolithic (Özdoğan, 2001: 32) and was used as a garden and field in the 1950s. Fikirtepe, which started to develop due to the immigrations received (Hür, 1994: 315), became evident as a slum area, especially after the 1970s, during the population of Istanbul.

Property in Fikirtepe is based on title deeds granted as a result of amnesties and exceptions brought about by the legal regulations (Law No. 2981 on Some Actions to be Applied to Buildings Contrary to the Zoning and Slum Legislation and Amending an Article of the Zoning Law No. 6785, Zoning Law 3194). This has also increased structuring. However, most

of the time, even in multi-storey dwellings, there is only land deed. This situation has led to the emergence of some problems, especially in the urban transformation phase. The zoning plans, which were made on different dates, could not be implemented partly due to the cancellation decisions made by the court, and it was tried to improve the zoning with the new plans.

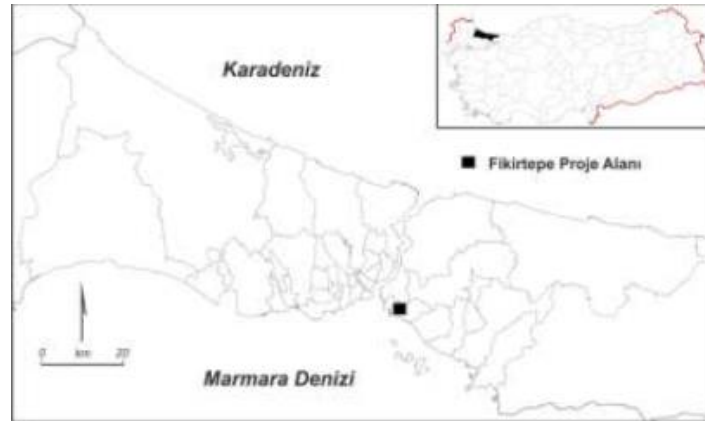


Figure 6. Location of Fikirtepe Project Area



Figure 7. A view of the buildings in Fikirtepe that do not have architectural integrity and are suspicious for engineering services.

Especially after the 1999 earthquake, the inadequacy of the buildings against earthquakes and the risk they carry required urgent improvements in this area. Accordingly, in the Master Zoning Plan of Kadıköy-Center and E-5 (D-100) Highway Buffer Zone with a scale of 1/5000 dated 09.03.2005, a part of Fikirtepe, Dumlupınar, Merdivenköy and Education districts were included in the Special Project Area legend, and Fikirtepe's urban transformation A study has been initiated in this direction. On 22.03.2007, Kadıköy-Center and E-5 (D-100) Highway Buffer Zone Master Development Plan was amended and the phrase urban transformation was added to the Special Project Area legend. Although the issue that the urban transformation will be implemented in Fikirtepe is included in the plans, there has been no reliable information about the details of this for a long time. The first determinations of Fikirtepe Special Project Area are that there are physical inadequacies and construction problems. In order to solve the problems, 1/1000 scaled Fikirtepe and its Surrounding Implementation Development Plan study was started on 26.03.2008. For this purpose, a plan has been prepared in line with a planning approach aiming at improving the urban fabric, determining transformation strategies, enriching it with various equipments in line with the needs, and increasing the quality of life. According to the plan, besides a planning that will create spontaneous transformation, the legal arrangements to be made and the advantages to be provided, the creation of large parcels or islands by combining the existing small parcels and the provision of construction are among the targets.

In Fikirtepe, which became a ghost city after the project was implemented, some houses were evacuated and demolition started, and life continues in some of them. This causes some problems including security issue.

However, Fikirtepe project has included many uncertainties since the day it was announced, and some problems arise as the details become clear. In particular, the constant changes in the planning notes have shaken the trust of the local people

in the project, caused new expectations to be formed and prevented the implementation of the project. One of the advantages provided in the plan is that the neighboring parcels have the right to build more if they act together and carry out the construction. If this is the case for an island, the advantage is even greater.

The fact that a large area in the city suddenly became suitable for construction has led construction companies to enter into a competition for signing contracts with the owners. Besides the really serious construction companies, there were also those who tried to take advantage of the situation. On the other hand, receiving such large offers from construction companies has created an environment where the owners can bargain.



Figure 8. Fikirtepe Project area and its surroundings according to the 1/1000 scale Fikirtepe and Its Environment Implementation Zoning Plan (The changes made by the Ministry of Environment and Urbanization on the Implementation Zoning Plan were processed, the resulting plan was simplified and processed on the Google image)

As a result of these, it was ensured that the housing needs of the landowners during the construction and the transportation expenses were met by the construction companies. However, after a while, the lack of majority in contracts with more than one owner (especially in construction projects involving more than one parcel or the whole of an island) and additional demands of the owners caused the construction to not start. Due to this delay in the Fikirtepe project, some legal changes

came to the fore, and the Ministry of Environment and Urbanization decided in May 2013 to declare the Fikirtepe project area a risky area within the scope of the Law No. 6306 on the transformation of areas under disaster risk. The law contains provisions for the implementation of the majority decision, not the consent of all owners. It is clear that this will enable parcel consolidation or construction projects to be built on a land to be implemented in a short time, even if it is not in the projects prepared on an island basis. The Fikirtepe project is facing some problems apart from the constantly changing plans. The most important of these is what the project is. When the first decisions were taken with the Fikirtepe project, this place was first defined as a private area and then as an urban transformation area. In the presentations and promotions, the project is presented as an urban transformation. The most important deficiency of the Fikirtepe Project is that both the local municipality (Kadıköy Municipality) where Fikirtepe is located and some of the decisions are taken, and the Istanbul metropolitan municipality do not carry out studies that strengthen the social, cultural and economic aspects of the place where the project will be implemented. In this sense, Fikirtepe Urban Transformation Project includes urban transformation only in name, but remained as a project that includes only physical renewal in terms of content. This urban transformation project seems to have accepted the same fate as other urban transformation projects implemented in Turkey.



Figure 9. The latest situation in Fikirtepe Urban Transformation Projects. (Source: Sezer, Z. II. International City, Environment and Health Conference)

3.1. Evaluation of Residential Buildings in terms of Environmental Sustainability in Fikirtepe Example

When the building types to be built in Fikirtepe Urban Transformation Area are examined, it is seen that multi-storey residential buildings, which are advertised as "residences", are planned in a large part of the area. Since Fikirtepe was declared a transformation area in 2013, the quantitative data of the region have also started to become clear. As stated in the Urban Design Framework created for Fikirtepe region by the Ministry of Environment and Urbanization, investors and designers; "Fikirtepe Development Plan will transform into a new city with a construction area of 4 million square meters, with a construction area of 4 million square meters, where approximately 140,000 people live and 60,000 people work, on the condition of 4 precedent constructions". When observations were made in the region, it was seen that the above-mentioned residence type multi-storey residential buildings were in the majority enough to determine the new identity of the region. Apart from this, in the 1/1000 scale Implementation Development Plan prepared for Fikirtepe region; Although we set out with the aim of creating environmentally friendly, energy-efficient, green buildings; buildings whose construction has started in the recent past; There is no data showing the environmental impacts of the design and construction processes. In this respect, the issue of monitoring and evaluating the environmental impacts of the buildings in question has been decisive in establishing the methodological framework in the study.

4. CONCLUSION

The lack of a holistic understanding in urban transformation projects in Turkey, the renewal of the place where the projects are carried out, the results of urban transformation projects that do not contribute to the cities and only make the cities relatively relatively beautiful create social negativities. In countries like Turkey, where there is a shortage of resources, the development of projects focused on "resource consumption" rather than increasing resources hinders sustainability. As seen

in the Hammarby Sjöstad project, holistic urban transformation projects based on sustainable development goals such as social development, the use of renewable energy sources and environmental protection and economic development appear as examples that will create vital added value. Sustainable urban transformation is possible by meeting political, social, economic and environmental requirements. The use of renewable energy sources in buildings, the storage of rain water, the recycling of waste, the increase of green areas per capita and the use of materials that have a negative impact on the environment should be ensured.

The following conclusions can be drawn from this study:

- Increasing government incentives for renewable energy sources,
- Starting from urban transformation areas; making national building evaluation systems mandatory for all new buildings to be built and inspected by the ministry and local municipalities,
- Encouraging the use of these buildings by developing a low credit system specific to environmentally friendly buildings in house sales,
- The use of dynamic simulation methods that enable a more detailed analysis of the energy performance of buildings, apart from the Energy Performance Certificate required in the permit processes in large-scale projects,
- It is necessary to increase the social awareness throughout the country by spreading the environmental awareness from the individual to the society.

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